

provision of public goods, but such provision requires administrative and physical infrastructure, which in turn require a certain level of state capacity. Rotberg (2002) defines state failure as being inherently violent, a condition where the rulers do not have the desire or wherewithal to provide and maintain security, infrastructure or a minimal standard of living for their people. Gros (1996), on the other hand, argues that failed states do not necessarily have to be violent places; sometimes the central state exists primarily for the security of its leaders, with citizens and even regional government officials largely left to fend for themselves. Along these lines, I distinguish failed states and weak states by the political and economic goods they provide (or do not, as the case may be) over their sovereign territory. The nature of these political and economic landscapes has consequences for illicit groups operating in that territory.

Within the political landscape of failed states the state may still have an internationally recognized functioning government, but exercises little control of its territory (that is, it has external 'negative' sovereignty, but not, as discussed by Jackson (1993), internal 'positive' sovereignty). Collapsed states, of which Rotberg (2003) identifies only one – Somalia – exist only on paper. They have no central government to provide any resources at all to their citizens, let alone provide legitimacy. For the purposes of this article, I consider collapsed states to be extreme versions of failed states. The failed state is unable to deliver public security goods such as policing over this territory, and other actors – warlords, criminals, paramilitaries – step into the void to enrich themselves through violence or the threat thereof, and occasionally to provide security for their clients or the general public for the right price. For terrorists and criminals, the state, in this form, has few available means to stop them from operating. It also means, however, that the state is not providing security as a public good, meaning that terrorists and criminals either have to provide their own security or buy it, raising the cost and difficulty of doing business.

The economic landscape of failed states is also a two-edged sword for illicit groups. The large informal markets of failed states provide the easy, unregulated access to goods necessary for conflict, such as explosives and firearms. On the other hand, a state unable or unwilling to broadcast its power over its territory is also a state that does not maintain road, airport, or seaport facilities, and transportation infrastructure, normally a public good, breaks down, harming both legitimate and illegitimate activities that require moving goods significant distances. The lack of formal markets also means that groups seeking to make money by selling large quantities of commodities that have value primarily in more developed economies have difficulty finding buyers.

Weak states meet something approaching the Weberian definition of the state. They retain a monopoly on the legitimate use of violence over their territory, and provide political and economic goods, if highly imperfectly. They might have high levels of corruption, crime, and social problems, and few fiscal or administrative resources, but the states soldier on. Indonesia, for example, has some of the highest levels of corruption in the world, and occasional ethno-religious unrest, but the government does function somewhat effectively (if inefficiently) over the vast majority of its territory.

In weak states, both the political and economic landscapes differ from those of failed states. Weak states are capable of (imperfectly) providing political public goods such as security and economic goods such as transportation infrastructure and commodities markets over most of their territory. At the same time, they struggle with corruption and policing that same infrastructure against concerted attacks, either from criminals or terrorists. Terrorists, for example, must spend more time and energy hiding from the state, but they need to worry less about taking sides or providing their own day-by-day security. Illicit actors may be less able to obtain or

dispose of virtually any good they want in weak states, but with the right connections and bribes, they may be able to take advantage of markets within a country to buy (or sell) goods that would not have been available in failed states.

The distinction between failed states and weak states is important because there is some question as to which is better for illicit groups such as terrorists, insurgents, and organized criminals; different characteristics of the political and physical terrain of a failed state can either help or hinder different types of terrorist behavior (Cutter, Richardson, & Wilbanks, 2003; Innes, 2007). Using quantitative analysis, Piazza (2008), for example, finds that failed states are more likely to produce transnational terrorist attacks than countries with high levels of state capacity. The argument that failed states provide havens for terrorists in particular centers around the political breathing room that terrorists have in territory where the state has been unable to broadcast its power (especially policing), which lowers the cost of evading the state. Failed states also produce a pool of disaffected recruits prone to violence and because they remain legally sovereign, other states are wary of intervening, while officials inside what government remains might actually give refuge, documents, and resources to terrorist groups (Takeyh & Gvosdev, 2002). Terrorists can then launch attacks from this refuge. Al-Qaeda, for instance, used the failed Afghan state as a haven for training and ultimately launching attacks on the West (Mallaby, 2002).

Others argue that it is actually more difficult for illicit groups to run sophisticated operations out of failed states, for a variety of reasons related to the physical terrain, and the political and economic landscapes (Harmony, 2007; Menkhaus, 2004). Border controls, external interference, the infrastructure and physical terrain of the area, social and economic enabling factors, and state presence (even nominal) can all influence whether terrorists find a particular piece of 'ungoverned territory' amenable to their needs. Mindanao in the southern Philippines, for instance, provides a refuge for Abu Sayyaf Group, the Moro Islamic Liberation Front, and elements of *Jemaah Islamiyah*, and in much of the island, state power is virtually absent. Yet the groups' ability to do more than seek refuge in Mindanao is limited by the small number of (poorly maintained) roads into and out of the center of the island, the poor communications infrastructure, and the impenetrable mountainous jungle terrain (Rabasa et al., 2007). Logically, there is a tradeoff for clandestine groups. Areas that are out of the reach of a state provide an advantageous political space on one level (freedom from state intervention). At the same time, they are also out of reach of the public goods the state provides, such as security and transportation infrastructure, and they are often out of the reach of the state precisely because the physical terrain is challenging for everyone to move around in.

For groups that are not native to an area, the lack of political and economic public goods compounds the difficulties associated with physical terrain. This is apparent from *al-Qaeda's* experience in Somalia in the early 1990s. In the wake of the fall of the Somali government into anarchy in 1991, Osama bin Laden and *al-Qaeda* began looking for opportunities to infiltrate the Horn of Africa, and encountered unexpected difficulties. After the lack of regularly scheduled flights into Somalia forced *al-Qaeda* to rent small planes in Kenya, they then had to drive or walk along roads that were simultaneously unmaintained and subject to attack from roving bandits. *Al-Qaeda's* intention was to train and equip Islamist separatists in the Ogaden region of Somalia and Ethiopia, but it quickly found that the region was so remote that its operatives had to expend considerable funds simply to get to and from the training camps, and were unable to communicate effectively with *al-Qaeda* headquarters (Harmony, 2007).

Conversely, *al-Qaeda* actually found Kenya to be more amenable to its activities. Even though the Kenyan government was hostile,

the country had a perfect combination of a government strong enough to provide adequate infrastructure, in the form of easy international air connections, fairly good roads, and communications, and an economy integrated enough with the outside world that the terrorist group could buy whatever supplies it needed for bombing or training operations. However, state forces were too weak to stop *al-Qaeda* from actually operating as long as it was reasonably secretive (Harmony, 2007).

Insurgents and criminals appear to have similar problems in the political-economic landscapes of failed states. Many theorists of large-scale organized crime syndicates envision them as essentially parasitic on states: they corrupt government officials, hurt economic development, undermine civil society, and increase ambient levels of violence (Dijk, 2007; Naylor, 1995; Williams, 1994). Dijk (2007), however, also shows that more sophisticated forms of crime appear to be qualitatively different from petty crime in their relationship with the state, since there is little relationship between the prevalence of common crime in a country and that of organized crime. While poorer countries have a higher prevalence of organized crime, the most thoroughly failed countries (Yemen, Somalia, Liberia, etc.) are left out of the study, so it is difficult to tell whether there is a difference in the type of organized crime found in failed vs. weak states. One issue is that criminal syndicates can only co-opt the state if there is a state to be co-opted. In extreme cases of failure, there may not be.

In the face of state failure, some insurgent groups with sufficient resources have gone so far as to create their own quasi-states, areas with governments that are unrecognized by the international community, but which nonetheless provide some infrastructure and perhaps even local markets, even if poorly (Kolstø, 2006). The Armed Revolutionary Forces of Colombia (FARC), the largest Marxist insurgency in Colombia, dealt with the lack of political-economic infrastructure (which, to be sure, it was actively involved in destroying) in the 1990s by seizing control of weakly governed or ungoverned territory, and replacing the weak or non-existent Colombian government infrastructure with its own. It would then extract 'taxes' from coca-growing peasants and create the transportation infrastructure to support drug trafficking, including land strips in the jungle (Rabasa & Chalk, 2001).

Interestingly, no matter how closely FARC approximated a quasi-state, it could not provide a large-scale local market in and of itself for drugs, which is why the smuggling routes from Colombia through the Caribbean and Mexico into the US are so important. The United Wa State Army has likewise set up its own quasi-state in northeastern Burma, in an area largely out of the reach of sovereignty state authority, where it has built roads, factories, and even small cities to support its heroin processing and export businesses, although, again, the markets for such drugs are almost entirely outside of Burma (Grundy-Warr & Wong, 2001; Zhang & Lin, 2007). Few if any pirate syndicates are able to address the problems of state failure in this way.

Geography and sophistication in maritime piracy hijackings

Do the limitations that failed states place on terrorists, insurgents, and other criminals also apply to pirates? Since pirate attacks occur at sea, sometimes outside the jurisdiction of any state at all, the connection of pirates to land, both the physical terrain and the infrastructure that is spread across that land, is less obvious than for terrorists and other criminals. The literature on piracy acknowledges the importance of physical geography, cultural acceptance, and weak or corrupt state institutions for the promotion of attacks and the provision of pirate havens (Murphy, 2008; Ong-Webb, 2007), as well as the role of corrupt or otherwise friendly local officials as well as market infrastructure in countries such as China, India, and Iran in the disposal of hijacked ships and cargo, although

it is unclear what kinds of goods are being sold (Abhyankar, 1998; Murphy, 2007). Other types of piracy operations also require some minimal (albeit corrupt) bureaucratic infrastructure in order to function. Such operations include maritime fraud and certain varieties of phantom ship operations (where the criminals use false ship names and papers to acquire legitimate cargo and then disappear). (Abhyankar, 2001; Peet, 2007). While the existence of spatial variation in types of pirate attacks is well-established (Abhyankar, 2001), the infrastructural basis for variations in piracy operations is rarely questioned, which leads to piracy researchers ignoring qualitative differences in the political and economic landscapes of weak and failed states.

To be sure, the physical landscape matters as well, which is why pirates in general are drawn to certain areas of the world (Murphy, 2008). Many incidents take place in or near narrow, congested channels that serve as chokepoints for world commerce, such as the Bab al-Mandab at the southern tip of the Red Sea, and the Phillips and Singapore Straits at the southern terminus of the Strait of Malacca in Southeast Asia (see Figs. 1 and 2). In such places, ships must slow down to navigate through shallow waters and underwater obstacles, as well as avoid other ships, leaving them open to attack by land-based pirates (Murphy, 2007). An ability to attack a ship underway, or a ship in international waters (or both) is arguably indicative of greater sophistication than simply robbing a ship in port, where the pirates might even be able to operate without a boat, or use a boat to set upon a stationary ship close to shore. Here I divide pirate attacks into two parts. The 'front end' of a piracy operation is what the pirates do, and the tools they use, up to the point where they board a ship. This would include identifying, tracking, and closing on a target, and would require such tools as the mother ship, speed boats, and weapons. The 'back end' of the operation is what the pirates do after they have boarded the ship. The infrastructure needed to support different 'back ends' varies widely. If the pirates are simply stealing money and spare parts, there is virtually no 'back end' required. If they are stealing the ship and cargo themselves, or kidnapping people for ransom, more sophisticated infrastructure is needed.

While methods of boarding ships are universal, hijackings appear to be more logistically sophisticated even in some aspects of the 'front end' than pirate attacks in general. Of the 3289 attacks recorded by the International Maritime Organization (IMO) from 1998 through 2007, 1377 took place in port, 1161 took place in territorial waters (but not in port), and 751, or 23%, were in international waters. From my dataset, which appears to define hijackings slightly differently than the IMO, 46% of all hijackings, and the majority of kidnappings for ransom, took place in international waters.¹ Where 38% of all pirate attacks from 1998 to 2007 were against ships that were underway, of the 162 hijackings in my dataset where the status of the ship could be coded, 129 (or 80%) were against moving targets.

Tying together the capacity of the state in or around the territory across which pirates are operating, and concentrating on pirate hijackings as the more complicated pirate attacks on the 'back end', I make two related arguments.

Proposition 1. The waters in or around failed states are disproportionately characterized by hijackings whose aim is exacting a ransom for the ship or crewmembers without disposing of the ship or its cargo.

Proposition 2. The waters in or around weak states are disproportionately characterized by hijackings whose aim is to seize the ship and cargo themselves.

The variation in the nature of maritime pirate hijackings serves as an indicator of how pirate syndicates are embedded in the

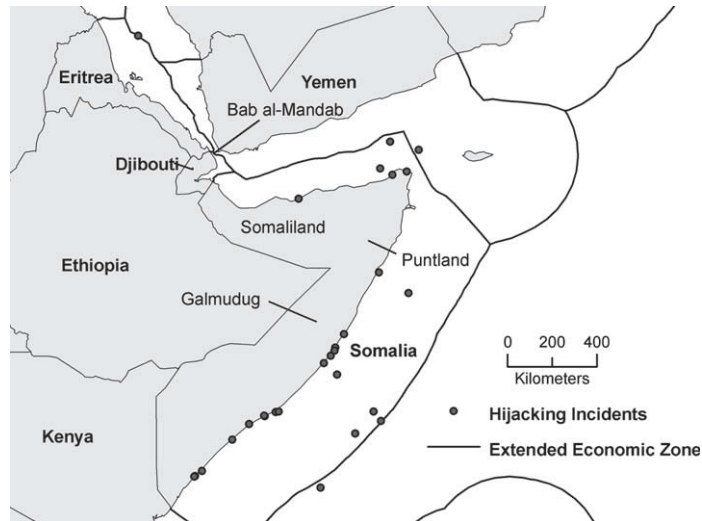


Fig. 1. Estimated locations of hijackings (2000–2007) in East Africa. Note: Maritime boundaries are extended economic zone limits (200 nm), within which the controlling state has exclusive right to all economic resources. Between the limits of the territorial waters (12 nm from the coastal baseline) and the EEZ limits, however, the state cannot prohibit or control the movement of other countries' vessels. All hijacking incidents that could be associated with a specific latitude and longitude were mapped ($N = 127$ out of 183). In many cases, given the inherent uncertainty in mapping successful hijacking incidents, the specific location was a best guess. In some cases, particularly in East Africa, the coordinates given appear to be where the ship was taken after being hijacked, rather than where it was attacked.²

different political and economic landscapes that characterize failed and weak states. Namely, there is a tradeoff between the time the pirates can take to carry out their operations, an artifact of the political landscape, and their ability to dispose of ships and cargo, an artifact of the economic landscape.

In terms of time, a kidnapping for ransom operation that takes weeks is also an operation where the pirates are unconcerned even with the focused wrath of the state. By contrast, weak states can concentrate their enforcement resources at a particular place and a particular time, as happened in 2005 and 2006 when Singapore, Malaysia and Indonesia cracked down on pirates following the designation of the Malacca Strait as a war zone by Lloyd's of London (Teo, 2008). This leads to incentives for pirates to engage in attacks that result in shorter exposure to being arrested, hence relatively quick ship/cargo seizures.

The economic infrastructure required for the 'back end' of different types of hijackings varies as well. In the case of a kidnapping for ransom, the pirates often have a land base where they can feed and house their hostages, as well as telecommunications, generally a cell phone, or satellite phone, with which to communicate with the ship's owners. In the case of hijackings where the pirates dispose of the ship and/or the cargo, the operation is more complex. Here the pirates must have not only have a ship of their own, but several other nodes in their network. For complicated operations, a financier often provides the seed money and a middleman hires the pirates. More importantly, even if the pirates intend to use the ship for themselves, they must have a location to drop off the crew (assuming they do not kill them), and a safe port to repaint and otherwise disguise the hijacked ship. If they intend to sell the cargo, they need to have a buyer ready (or be able to find one quickly), a safe port or warehouse

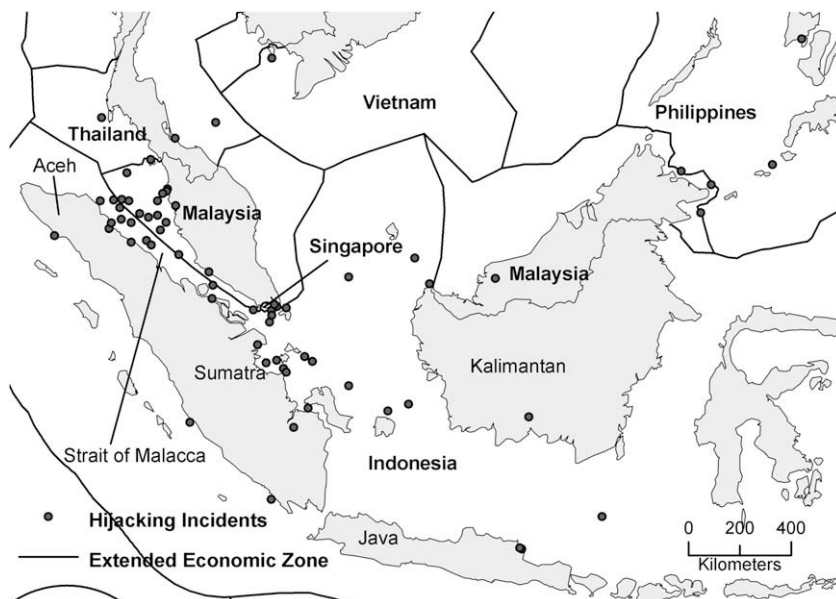


Fig. 2. Estimated locations of hijackings (2000–2007) in Southeast Asia. Note: conditions for Fig. 1 apply.

in which to offload and/or store the looted cargo, and a means of making the delivery. Some hijackers have been known to steal oil, which requires a second ship to pull alongside the hijacked ship and siphon off the oil, itself a logistically complicated operation (Author Interview, November 2005a). All of these nodes in the network must be tied together not only by communications infrastructure, but also by an economic infrastructure that can provide buyers able to make use of thousands of tons of cargo, and ports able to provide the necessary services. It is this economic infrastructure that failed states cannot provide, and it is one, I argue later, that the non-failed areas of Southeast Asia seem particularly adept at providing to piracy syndicates.

Testing the propositions

This article does not attempt to tackle the question of what causes piracy in general (Chalk, 2008), or even what causes hijackings, but what causes variation in the sophistication of hijackings. The universe of cases is thus hijacking incidents, not pirate attacks in general. This solves the potential problem of selecting on the dependent variable, if, for example, I had looked at the causes of hijacking from a dataset limited to hijacking incidents.³ Piracy research also suffers from informational problems. First, the main agencies that report on pirate attacks have differing definitions of both piracy and hijacking. In this article, I use the International Maritime Bureau (IMB) definition of piracy, which includes attacks on ships in both territorial and international waters. While UNCLOS (Part VII, Article 101), and hence the International Maritime Organization, consider attacks within territorial waters to be, strictly speaking, maritime armed robbery rather than piracy, and thus outside the jurisdiction of international law, from the perspective of the victims, the distinction is less clear. Especially when our primary concern is the impact of state failure on piracy, including attacks within territorial waters makes sense (Peet, 2007).

Second, because reporting minor pirate attacks usually raises a shipping company's insurance premiums and slows down a ship's progress, many companies prefer to absorb the costs of attacks rather than report them as long as the financial or human losses are not severe. The result is that pirate attacks are almost certainly underreported, by some estimates by as much as 50% (Author Interview, July 2005; Chalk, 2008). Because hijackings by definition involve either the crew being kidnapped, or the ship and cargo being taken, one can assume with some confidence that the number of hijackings that are reported approximate the number of hijackings that actually occur.

Given the relatively small number of articles using quantitative data on piracy (Ong-Webb, 2007; Peet, 2007), I constructed my own dataset drawn from information released by the International Maritime Organization, and largely collected by the International Maritime Bureau's Piracy Reporting Centre in Kuala Lumpur, Malaysia. The dataset is a case-by-case compilation of pirate attacks from 2000 to 2007 that have involved kidnapping crewmembers, taking hostages for ransom and/or hijacking ships and their cargo. I do not take incidents in which the pirates take hostages for the purpose of robbing them or looting the ship to be hijackings, nor do I require that the pirates have their own ship (although in almost every case they do) (Ong-Webb, 2007).

To see whether there is any link between state failure and variation in the sophistication of pirate hijacking, I ran two logit regressions, with the type of hijacking as a binary dependent variable (1 for ship/cargo seizure, and 0 for kidnappings for ransom). The independent variable of interest for Model 1 is the average of World Bank governance indicators' percentile rank by year and the nearest country to the attack location, while Model 2's

primary independent variable is a binary variable for state failure (1 for state failure, 0 for no failure). Since the World Bank did not issue governance indicators in 2001, governance levels for that year were taken to be the average of the governance levels in 2000 and 2002. For the purpose of the quantitative analysis, I consider failed states to be states in the bottom quintile of the World Bank governance indicators.⁴ To be sure, this is an arbitrary designation, but the specific countries that are included in the bottom quintile closely match the lists of failed states from other sources. Of the states relevant to this study, the 2008 Failed State Index (Fund for Peace, 2008), for instance, ranks Bangladesh, Guinea, Iraq, Liberia, Nigeria, Somalia, and Sri Lanka as being states in the "Alert" category, the category for the most dysfunctional states, while the Brookings Institution's index of state weakness classifies Somalia as a "failed state" as of 2007, and Iraq, Liberia, Guinea and Nigeria as "critically weak" (Rice & Patrick, 2008). The World Bank governance indicators are preferable, since they are the only indicators that measure state capacity on a yearly basis for every country in the world, whereas the other indexes are snapshots of (some) countries from specific years (Table 1).⁵

A potential conceptual problem is that even simple attacks may be transnational in nature – the pirates may come from one country and attack in the waters of another. This is especially true of ship and cargo seizures, where different countries may be involved in each step of the operation. In one instance in 2004, for example, a fishing vessel was hijacked in international waters off Vietnam's Kien Giang province, then taken toward Thailand (National Geospatial Intelligence Agency, 2004). With transnational operations, a failed state surrounded by weak states with viable markets could be a valuable hunting ground for ship and cargo seizures, while a weak state surrounded by failed states might be hit by pirates seeking ransoms and then returning to their own countries. From 2002 onward, the IMO categorizes attacks by location in port areas, territorial waters, and international waters. For attacks in international waters, the IMO narrative generally mentioned the country nearest to the location of the incident, which I coded. Barring that, I coded the country from which the pirates apparently originated, or the country to which they escaped.

This problem is mitigated to a certain extent by the tendency of countries in a given region to have similar levels of state capacity. In the dataset, every failed state is adjacent to another failed state, while the only non-failed states that are next to failed states are Bangladesh (from 2000 to 2003), Liberia, Thailand, and Vietnam (in

Table 1
Failure status of included states.

Failed states (average percentile of world bank governance indicators < 20)	Non-failed states
Somalia (0.4–3.1)	Bangladesh (2000–2003) (20.1–25)
Yemen (16)	China (36.7)
Nigeria (10.6–15.2)	Cuba (24.7)
Bangladesh (2004–2007) (16.8)	Egypt (37.9)
Iraq (3.3)	Guatemala (34.3)
Guinea (9.9)	Guyana (39.7)
Eritrea (12.7)	India (45.9)
	Indonesia (20.6–30.9)
	Italy (75.8)
	Liberia (22)
	Malaysia (60.7–63)
	Philippines (37.2–42.4)
	Singapore (89)
	Sri Lanka (42.7)
	Suriname (51)
	Thailand (43.6–59.1)
	UAE (68.2)
	Vietnam (33.3–34.2)

Average percentile ranges for years in which hijackings occurred are in parentheses.

2004 and 2007). East Africa and Southeast Asia are clusters of state failure and state non-failure, respectively.⁶ While Somalia is the most thoroughly failed country in the world, its neighboring states are only somewhat better. In the IMO's East Africa region, Yemen, the 'best'-governed state, had governance indicators that never averaged higher than the 16th percentile during the period in question, still low enough to be considered 'failed.' In Southeast Asia, Indonesia, the weakest country with hijackings, is surrounded by 'stronger' countries such as Thailand, Malaysia, and Singapore. The result is that transnational operations might confuse the coding associated with continuous governance indicators, but should have less of an effect on the failed state dummy variable. To take into account the possibility of region-wide effects (even if the coded nearest country is 'wrong'), I also included regional dummy variables in Models 3 and 4.

Piazza (2008) controls for the existence of conflict of all sorts as defined by the Political Instability Task Force,⁷ and also uses population of a country and total land area as control variables in his investigation of transnational terrorism, reasoning that countries with larger areas and larger populations are harder to control, and thus might allow terrorists more breathing room. There is no reason to think that land area would affect how *pirates* behave, but the length of a coastline certainly might. Indonesia's many islands, for instance, might provide more places for pirates to hide. The figures I use for population and coastline length come from various editions of the Central Intelligence Agency World Factbook (Central Intelligence Agency, 2008). I also include population density as a control variable; greater density may lead to more opportunities to sell off goods (Table 2).

There is a statistically significant positive relationship between governance levels and the probability of ship and cargo seizures. This result is even more noticeable if I separate non-failed and failed states, which are disproportionately prone to kidnappings for ransom. Conflict, coastline length, population and population density are not statistically significant. When I compute the marginal effects for Model 2, I find that the probability of a ship and cargo being seized and sold off in a hijacking attack is approximately 45% higher in a non-failed state than in a failed state. Put another way, the risk of a hijacking being a ship/cargo seizure is more than five times as high in a non-failed state as a failed state (Risk ratio = 5.65; Chi-squared = 38.27, p -value = 0.000). To find out why this might be the case, I parsed out regions of the world that are particularly prone to hijacking, and thus worth investigating in greater detail.

From Table 3, although worldwide most hijackings are kidnappings for ransom (115 out of 183, or 63%), there appears to be variation in the types of hijackings among the different regions, with East Africa and West Africa, and the South China Sea standing

out as being especially prone to kidnappings or ship and cargo seizures, respectively.⁸ The other regions are either a wash (with neither type of hijacking having dominance) or have too few total hijackings to tell us much. Thus, in the next two sections, I use case studies of East Africa and Southeast Asia to trace the process by which hijackers carry out their attacks, and how the sophistication of those attacks is related to the political-economic landscapes in which they are operating.

Kidnappings for ransom in east Africa

Why are Somalia's hijackings disproportionately kidnappings for ransom rather than ship and cargo seizures? To be sure, even excluding East Africa, kidnappings are more common than ship and cargo seizures worldwide, but in East Africa (and West Africa), they are especially so. State failure actually hinders pirates' operations because it deprives them of the means of creating the sophisticated networks found in Southeast Asia, even though Somali pirates are not lacking in technology or savvy. Somalia has been without a functioning central government since the fall of dictator Mohammed Siad Barre in 1991. In 2006, the Islamic Courts Union, an Islamist organization, took over a good portion of southern Somalia before an Ethiopian invasion in December 2006 drove it out of Mogadishu and most other parts of the country in favor of the internationally recognized Transitional Federal Government, whose control over even the areas where it is the *de facto* power is tenuous at best. Somaliland, the northwestern corner of the country, has for the past decade had its own government, and has not been involved in the fighting. Puntland, in the northeastern corner of Somalia, and Galmudug, on the central coast, are controlled by autonomous governments that have been in varying states of disintegration for years.

The Transitional Federal Government has, through a UN Security Council resolution, authorized foreign warships to pursue pirates into Somali waters due to the lack of any capacity of its own (Business Daily, 2008). When it controlled Mogadishu for most of 2006, the Islamic Courts Union (ICU) promised to deal harshly with any pirates, and the total number of attacks fell from 47 in 2005 to 32 in 2006, although the ICU's ouster at the end of 2006 led to a return to previous levels (Childs, 2007). The governments of Somaliland and Puntland have recently undertaken some anti-piracy operations, but it remains to be seen whether their efforts will bear fruit over the long-term.

This is not to say that the pirates operate in a political vacuum. In fact, forms of (very) local governance do exist (Menkhaus, 2004). Most of the pirate gangs appear to be raising money for warlords situated on the central and northeastern Somalian coast. Different warlords control different designated ports (where the pirates take

Table 2
Logit models of hijacking sophistication.

Dependent Variable = Hijacking Type	Model 1	Model 2	Model 3	Model 4
World bank governance indicators (WBGI)	0.045** (0.018)		0.049* (0.021)	
Failed state (WBGI < 20)		-2.479*** (0.714)		-2.058* (0.984)
Conflict	0.192 (0.696)	-0.253 (0.473)	0.664 (0.751)	-0.049 (0.511)
Coastline length (ln)	0.107 (0.230)	-0.068 (0.286)	0.230 (0.314)	-0.078 (0.383)
Population (ln)	0.266 (0.195)	0.105 (0.162)	0.031 (0.309)	-0.027 (0.301)
Population density	0.000 (0.000)	0.000 (0.000)	0.000 (0.000)	0.000 (0.000)
South China sea			-0.093 (1.067)	0.925 (0.995)
Straits of Malacca			-1.730* (0.851)	-0.601 (0.875)
East Africa			-1.988 (1.060)	-1.137 (1.262)
Constant	-7.623** (2.697)	-0.953 (1.781)	-0.403 (4.809)	1.362 (3.431)
Log pseudo-likelihood	-102.375	-98.553	-93.419	-92.072
Pseudo R-squared	0.152	0.184	0.226	0.237
N	183	183	183	183

Clustered by country nearest to the attack. Unstandardized coefficients are shown, while robust standard errors are in parentheses. * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$.

Table 3

Hijacking incidents by region, type and year.

Region	Type	2000	2001	2002	2003	2004	2005	2006	2007	Total
Strait of Malacca	S/CS	1	2	5	7	1	0	1	1	18
	KFR	0	3	2	3	13	5	3	1	30
South China Sea	S/CS	0	3	3	7	6	6	3	3	31
	KFR	1	4	1	0	3	1	2	0	12
East Africa	S/CS	0	0	0	0	0	0	0	2	2
	KFR	2	3	3	1	2	12	5	10	38
West Africa	S/CS	2	0	0	1	1	0	0	1	5
	KFR	0	0	0	6	3	0	6	7	22
Mediterranean Sea	S/CS	0	1	1	0	0	0	0	0	2
	KFR	0	0	0	0	0	0	0	0	0
South America	S/CS	1	0	0	1	0	0	0	1	3
	KFR	0	0	0	1	0	0	0	1	2
Indian Ocean	S/CS	0	1	0	3	2	0	1	0	7
	KFR	0	2	0	4	4	1	0	0	11
Total Incidents		7	19	14	33	35	25	21	27	183

S/CS = Ship/Cargo Seizure; KFR = Kidnapping for Ransom.

their hostages), and use ransom money not only to buy more weapons and build their patron-client networks, but also to invest in businesses in Kenya and Dubai (Crilly, 2008). Apparently four to six pirate gangs operate from the northern Somalian coast, and some are organized enough to have uniforms and military command-and-control structure (Belfast Telegraph, 2008; Lloyd's List, 2008). The pirates, in short, are not limited by any inability to organize themselves in a sophisticated way.

What is interesting, then, about most Somali hijackings is their relatively simple logistics, even with modern technology. Pirates are able to wander so far from shore by using mother ships – innocuous-looking ocean-going vessels, then release smaller, quicker boats led by satellite phone and GPS units to attack targets as much as 450 km from land (Rice, 2008). Yet these 'front end' techniques are not correlated with more complicated 'back end' logistics once they seize the ship. Rather than attempting to sell off the ship or cargo, Somali pirates have been known to use the hijacked ship to attack other ships in the area by closing as an apparently 'friendly' ship (Vasagar, 2006). More often, the pirates have demanded ransom money from ships' owners, the amount depending on the value of the ship, the identity of the owners, and the citizenship of the hostages (Belfast Telegraph, 2008). The negotiations for such ransoms can take months, during which time the pirates must feed and house the hostages in havens such as Eyl in Puntland and Harardhere in Galmudug (Agence France-Presse, 2008; Rice & Hassan, 2008). The total cost of 'taking care' of the hostages rises over time, but there is no fear of any legal authorities tracking down and arresting them, despite the incriminating evidence of the hostages themselves. There is also no rush to extract ransom money as long as negotiations are ongoing and seem to be bearing fruit (Belfast Telegraph, 2008).

In Somalia, then, the political landscape is such that the lack of law enforcement and the sometime support of the warlords who actually do control the territory where the pirates base themselves allows the pirates to engage in operations that require time without having to worry about the security concerns that al-Qaeda faced. In the cases where pirates have had to worry about security concerns (such as during the recent fighting in southern Somalia), they appear to have shifted their operations to more 'pacific' points north, such as Somaliland.⁹ Western warships have recently become more proactive in chasing pirates into Somali territorial waters and/or have sunk their ships. In 2008, for example, France sent commandos who landed in Somalia itself, then captured

pirates who had hijacked a French yacht (Kane, 2008). While Western navies can certainly pursue and fire on pirates in Somali territorial waters, commando operations are not a long-term replacement for adequate governance and enforcement on land.

The pirates have (rarely) been known to seize the cargo of the ships they hijack, although they appear to view the cargo, which is usually aid in the form of food or other supplies, as additional booty rather than the point of the hijacking. Food and oil are also items that can be used directly by the warlords and their clans, without the need to find a buyer, as might be the case with a commodity such as tin or palm oil, popular cargos for pirates in Southeast Asia. Tellingly, pirates have often hijacked vessels immediately *after* they have discharged their cargo in Somalian ports, indicating a lack of interest in even trying to sell the cargo (UN News Service, 2007). Their lack of interest in cargo and the use of overseas financial networks indicate there is not a domestic financial sector to absorb millions of dollars in ransoms, or a large enough market system available within Somalia to absorb the sale of thousands of tons of non-basic commodities, let alone large oil tankers or cargo ships. Whereas the political landscape encourages kidnappings for ransom that require time, the economic landscape discourages operations that require the movement of goods or people on land or the use of commodities markets or functioning port facilities, as ship/cargo seizures do.

Although my dataset ends in 2007, attacks in 2008 – the seizures of a Saudi supertanker and a Ukrainian ship carrying T-72 tanks – suggest that the kidnapping trend continues. The recent audacity of Somali pirates, including interviews with newspapers, might indicate increasing sophistication in the initial phase of an operation, as well as continuing lack of concern about any punitive measures from a functioning state in Somalia (Hassan, 2009). Their cargo and size aside, the Ukrainian and Saudi ships met with the same fate as almost every other ship seized in East Africa: they were taken to a port and held for ransom, with the negotiations taking place over several months (Rice & Hassan, 2008). The 'back end' of the operations remained the same as before; the limitation is not with the pirates themselves, but in the political-economic infrastructure that is available to them.

Both pirates and terrorists have difficulty carrying out logistically sophisticated operations in Somalia, but for different reasons. Because foreign terrorists find it difficult to blend in for long periods of time, Menkhaus (2004) argues that failed states such as Somalia are ideal as short-term transit points for terrorists and

their smuggled goods (such as small arms), but are less so as long-term havens for foreign terrorists. But time is exactly what pirates have that foreign terrorists do not, if the pirates manage to reach territorial waters. While foreign terrorists are threatened with capture even in the absence of a viable state, pirates have fewer such concerns.

In theory, pirates operating out of failed states are just as susceptible to incursions from outside powers and betrayal by locals seeking financial rewards. In practice, until the dramatic spike in hijackings in 2008, the threat from piracy in Somalia was arguably taken less seriously by the great powers than that from terrorism. Under the United Nations Convention on the Law of the Sea (Part VII, Article 105), states theoretically have the right to seize pirate ships found in international waters and try pirates in their domestic courts. Another convention, the Convention on Suppression of Unlawful Activities relating to the Safety of Maritime Navigation, was intended to combat maritime terrorism, but is so limited in scope it has been invoked only once (Murphy, 2008). While foreign ships have been successful in scaring away or arresting pirates who are attempting to board vessels, once the pirates succeed in taking hostages and/or escaping into territorial waters, the rules of engagement become more complicated.

Menkhaus' transnational terrorists (unsuccessfully) inhabit the social landscape of failed states, where they stick out and have potential enemies on all sides, and find themselves at the mercy of a political infrastructure that is unable to provide general security. To the extent that their identities are known, many pirates are actually from Somalia. Hiding out is unnecessary, especially since many Somali pirates appear to be acting at the behest of local warlords, and the money they bring in to the local economy can be used to buy support. Even when hijacking syndicates are multinational, seaports are arguably one of the few spaces where, even in zones of state failure, one would expect to see many foreigners. Moreover, it is here that the maritime nature of piracy comes into play. While terrorist attacks on land, even against foreign targets, have the potential to kill local civilians (thus earning their ire), as long as pirates are preying on foreign ships, there is no collateral damage. This, plus the money brought into the economy by the pirates, means there is little downside for the local non-pirate population.

While the lack of economic infrastructure that could be used to dispose of ships and cargo limits the sophistication of hijackings, pirates in failed states have the time and political leeway to negotiate for ransoms, something that pirates in weak states do not have.

Ship and cargo seizures in Southeast Asia

Hijackings in Southeast Asia are more sophisticated than in East Africa. The South China Sea, in fact, sees a disproportionate number of ship/cargo hijackings relative to the rest of the world. When we trace the process by which hijackers carry out their operations in Southeast Asia, we can see that they take full advantage of the complex transportation and communication infrastructure, and the large commodities markets the region affords. Southeast Asia is one of the few regions in the world that combines a favorable physical geography for pirates (which has encouraged piracy in general for hundreds of years) with a patchwork of strong and weak, rich and poor countries tied together by economic, cultural, and social bonds. Singapore, one of the wealthiest countries (with one of the highest levels of state capacity) in the world, is connected to Malaysia, a middle power, by two bridges, and is within sight of Indonesia, one of the globe's weaker (but non-failed) states. The effect of this is that hijackers engage in what I call 'state capacity

arbitrage': the political and economic landscapes of different states provide different opportunities for the hijacking networks, leading them to spread their operations throughout peninsular and archipelagic Southeast Asia.

Hijackings are not new to East Asia. In the 1990s, China was well known as a country from which attacks emanated, and there was evidence that corrupt local government officials were behind some operations (Faison, 1997). Since then, the financiers who sponsor operations, for example, apparently have come from both strong and weak states: not only Indonesia, but also Singapore, Bangkok, Hong Kong, and the Philippines (Author Interview, May 2005; Warren, 2003). Because they are often geographically separated from the pirates themselves, and the location of the pirate attack, the financiers (and their middlemen) must have modern communications equipment (Tempo, 5 December 1999). This they share in common with East African pirates, but here the similarities end, for Southeast Asian syndicates must have a fairly complicated network in place to sell or repurpose a hijacked ship, its cargo, or both. Southeast Asian syndicates often target specific ships and cargo: buyers buy specific commodities or ships, whereas the specific type of a ship hijacked for ransom is less important. To accomplish this, the financier or the middleman provides pirates with information about the ship's identity, its location at a given time, and its destination, and sometimes have inserted a mole on board the ship already (Author Interview, July 2005). It is not usually clear how the syndicate heads get the information they seek, but at the very least they must have some kind of way to access the information, either inside the shipping company, or inside the relevant port. In April 2005, for instance, a certain Mr. Lee, either the financier himself or a middleman, came from Singapore to Batam, in Indonesia (a forty-minute ferry ride) and met with a pirate leader, giving him a down payment for his services, plus information on when exactly the tin ingot-hauling tug-and-barge combination the pirate gang was to attack, the *Bahar XI* and *Bahar XXVIII*, was to leave a nearby port, which route it would take, and where the hijackers should take the ship when they had captured it. The syndicate took full advantage of the transnational nature of the shipping networks in Southeast Asia – the buyer for the *Bahars'* cargo (or possibly both the *Bahars* and the cargo) was apparently located in Thailand (Author Interview, November 2005b; Dalle, 2005).

The attacks themselves – the 'front end' – in both East Africa and Southeast Asia are similar. But pirates in Southeast Asia then must take the ship and cargo to a port for repainting and recertification (if the ship is to be sold or used as a phantom ship to steal legitimate cargo) or for off-loading the cargo. Ideally, by the time the ship is hijacked, the pirate will have already found a port in which to do this and a buyer for the goods. The port and the buyer are often in third countries from where the attack took place, let alone where the financier is located. State weakness, but lack of state failure in this case would actually seem to encourage hijacking sophistication. In East Africa, the pirates can take a ship to the port controlled by their warlord. Repainting and recertifying the ship are less relevant, since the warlord is sponsoring the piracy operation. Because ports in Southeast Asia are controlled by states, strong and weak, that are as a matter of policy hostile to hijacking, the pirates must find a port that is willing to look away – a small port, for example, that does not have the resources to check all paperwork for ships (Author Interview, October 2005). If the pirates intend to bribe someone in the port for the right papers and lack of attention to their activities, they need an entrée point into the port. Even if they do not bribe anyone, they need knowledge about the ports that are appropriate for their operation. Since the *Bahar* ships had just been completed, for example, Mr. Lee could not have known about them (or the port from they sailed) without inside information (Dalle, 2005).

Disposing of the cargo is also significantly more complicated than simply demanding ransom money. Aside from the syndicate having to find a buyer, the economy of the region must also be large enough to absorb the cargo without attracting undue suspicion. In 2005, 660 tons of tin ingots worth \$4.5 million were stolen by hijackers, leading the International Maritime Bureau to put out a notice to beware anyone offering that amount, suggesting both that Southeast Asia has a market to sustain such large commodity transfer, and also that even in Southeast Asia there are limits to what can be put on the market in suspicious circumstances (Author Interview, July 2005).

Since it is nearly impossible to sell cargo straight off a hijacked ship, the cargo itself must also be stored, which itself requires the pirates to have a network in place that takes advantage of the shipping industry's infrastructure, specifically properly equipped ports and warehouses (Author Interview, October 2005). The same year as \$4.5 million of tin ingots went missing, pirates hijacked a tin ingot ship (possibly the same one) in the Bangka Strait in Indonesia and sailed it to Pasir Gudang, a port in southern Malaysia that was able to dock the cargo ship. There, the pirates' agent had already arranged for a warehouse to store the ingots in preparation for sale, and the pirates put the hostages to work moving the tin from the ship to the warehouse for three days (Kompas, 2005).

It is entirely possible for pirates to skip some ports entirely by, for example, repainting and recertifying the ship while it is still at sea, or by off-loading the cargo onto a waiting ship while at sea. In the case of the *Bahars*, for instance, the pirates had already repainted and renamed the ships *Ayu* by the time the police found them, only hours after the hijacking (Dalle, 2005). The *Alondra Rainbow*, a ship hijacked in a notorious incident in the Strait of Malacca in 1998, was also repainted without ever going to a port (Abhyankar, 2004). Likewise, when the *Petro Ranger* was hijacked in April 1998, the pirates brought several smaller 'lighter ships' alongside and siphoned off 4000 metric tons of kerosene oil while floating on the open ocean (Author Interview, November 2005a). But the equipment necessary to do this – false papers, gallons of paint, extra ships and siphons – is not nil, and the pirates still have to find a buyer.

How syndicates actually create the network necessary to sustain a ship/cargo hijacking operation is unclear, but there is evidence that some syndicate heads are people with their own shipping companies, or are people involved in the shipping industry in some way, who can flip their legitimate networks and knowledge of the port infrastructure in Southeast Asia, and turn them to criminal ends (Author Interview, May 2005). In the *Petro Ranger* incident, for instance, the syndicate head was a mainland Chinese oil refinery owner himself, and thus familiar with the oil shipping industry (Author Interview, November 2005a).

Why syndicates do not simply engage in more kidnapping for ransom in Southeast Asia comes down to time and the nature of the syndicates themselves, both products of the political and economic geography of Southeast Asia. Kidnapping takes time, and time is not something syndicates have when facing a hostile state, even if it is weak. Even the slowest ship/cargo hijacking operations take no more than a few days to repaint the ship and sell the cargo, not the weeks that ransom negotiations might take. The syndicates themselves are also the dark side of legitimate shipping networks or the shipping side business of organized crime gangs. Such organizations have neither the means nor the aspiration to wield enormous amounts of firepower and dominate other groups in the area. By contrast, Somali pirates, as what are effectively the navies of local warlords, have both the desire and the opportunity to do so. States in Southeast Asia, then, are strong enough to provide communications and transportation infrastructure, and to support large-scale commodities markets, both of which are necessary for their own economic development, but too weak to keep transnational hijacking syndicates willing and able to move from

country to country from taking advantage of those tools of globalization.

Aceh: state failure amid state weakness

One could argue that perhaps Southeast Asia and East Africa have regional qualities, such as different political geographies (Southeast Asia has tens of thousands of islands, while East Africa has almost none), unrelated to state strength, that encourage variation in the types of hijackings to which they are susceptible. Somali and Indonesian pirates might have cultural differences that could explain their differing tastes in hijacking, for example. One could easily see why Southeast Asia's political geography might lead to a greater number of pirate attacks in general, but not why those attacks would take a certain form. Inserting dummy variables for the Strait of Malacca, East Africa, and the South China Sea into the two original models yields interesting results (see Models 3 and 4). While East Africa and the South China Sea are not statistically significant, the Strait of Malacca is significant in Model 3, with a negative coefficient indicating that there are features of the region that decrease the probability of ship/cargo seizures. This suggests that there is something about the Strait of Malacca that the national-level governance indicators are not picking up. And indeed, the hijackings in local areas of state failure in the Strait of Malacca appear to confirm that.

From 1976 to 2005, the Free Aceh Movement (Gerakan Aceh Merdeka in Indonesian, or GAM) waged an on-again, off-again, guerrilla insurgency in the province of Aceh, on the northern tip of Sumatra, immediately west of the Strait of Malacca. The last phase of the conflict began in 1998, and ended in a negotiated settlement in August 2005, after Aceh had been brought to its knees by the 2004 Boxing Day Tsunami. Although the last bout of fighting began flaring up in 1998, after the collapse of the Suharto regime in Indonesia, the most intense rounds came in 2002, 2003 and 2004, after the failure of a 'humanitarian pause' and peace negotiations that lasted, on and off, from May 2000 to May 2003 (Aspinall & Crouch, 2003). The years 2002–2004 were also when GAM was at its greatest territorial extent, controlling at one point 80% of Aceh's villages (Schulze, 2004). In terms of governance, most of Aceh could at this time be considered a failed state – there was little effective Indonesian government presence. It was also known that GAM was smuggling weapons across the Strait of Malacca from Thailand and Malaysia (Tempo, 3 July 2003; Tempo, 14 February 2004). In response, the Indonesian navy established patrols of the eastern Acehnese coast, limiting the extent to which pirates could hijack a ship and sail it away from Aceh to sell it and its cargo somewhere else in the region (although ships continued to pass through the Strait). It is interesting, then, that hijackings in Southeast Asia took a form markedly different in the areas affected by the insurgency at the height of the fighting than what is usually found in Southeast Asia. In 2004, kidnappings in the Strait of Malacca jumped to 13, while ship/cargo hijackings trailed off after 2003.

Attacks within the failed area (which consists of the Indonesian portion of the Strait of Malacca for the years 2002 through 2005) were also markedly different compared with the rest of Southeast Asia. In all likelihood some of the attacks in Malaysian waters of the Strait of Malacca during this period (and at other times) were actually from pirates based in Indonesia. I take the non-failed parts of Southeast Asia to consist of the South China Sea region from 2000 through 2007, the Malaysian side of the Strait of Malacca from 2002 through 2005, and all of the Strait of Malacca from 2000 to 2001, and from 2006 to 2007 (Table 4).

The results support the argument that failed areas of the world produce hijackings that are qualitatively different from merely weak areas. There is some confusion as to who these pirates

Table 4

Types of hijacking incidents in failed vs. non-failed areas of Southeast Asia (2000–2007).

	Kidnapping	Ship/cargo seizure	Total
Failed Area	18	7	25
Non-failed Area	24	42	66
Total	42	49	91

Pearson's chi-squared = 9.266; *p*-value = 0.002.

actually were – GAM's leadership almost always denied any involvement, while there was some suspicion the pirates were members of the organization (Hand, 2003). Whoever they were, by dint of their location in a failed area, and, given the patrols, the pirates did not have access to port facilities and logistics networks suitable for sophisticated hijacking operations. As in Somalia, kidnappings offered a quick way to make money without setting up complicated networks outside of Aceh, and without trying to use networks and facilities within Aceh that had largely been destroyed or were inaccessible.

Conclusion

While a certain level of state weakness is necessary to provide a friendly environment for more than a minimal level of pirate attacks, not all pirate attacks are equal, and neither are failed or weak states. Because they combine a passable transportation infrastructure and a market with a level of enforcement that is enough to discourage long-running hostage dramas, but are inefficient or corrupt enough to encourage pirates to seize ships and cargo, weak states actually are better breeding grounds for sophisticated pirates than failed states are. Conversely, failed states may be havens for criminals and terrorists, but the evidence here suggests that they are not havens for particularly sophisticated criminals and terrorists.

The situation in Southeast Asia suggests that if leaders of countries like Somalia and Nigeria actually do succeed in moving their countries out of failure, and integrate their failed states more fully with the global economy, they might be faced with an increase in the sophistication of pirate (and terrorist) operations. To the average land-dweller living in those countries, that would be a welcome tradeoff, but for those, analysts and policymakers alike, who are concerned about the security ramifications of state weakness and failure, it is something that must be taken into account as they seek to rebuild economies and political institutions in failed states.

Acknowledgments

A previous version of this paper was presented at the International Studies Association-West 2008 Annual Meeting in San Francisco, CA. Thanks to the three anonymous reviewers for their very helpful and detailed comments through multiple rounds of revisions. The fieldwork for the Southeast Asian portion of this paper was funded by generous grants from the National Security Education Program and the Public Policy and Nuclear Threats program of the University of California's Institute on Global Conflict and Cooperation.

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Endnotes

¹ The IMO does not explicitly define hijackings, and since it releases only aggregate numbers in its yearly and quarterly reports, it is impossible to tell. Because the totals in my dataset are different from the IMO's, I assume that we define hijackings slightly differently.

² Latitude/longitude coordinates come from "Anti-Shipping Activities Messages Database," National Geospatial Intelligence Agency at <http://www.nga.mil/portal/site/maritime/>. Maritime boundaries information comes from VLIZ (2005). Maritime Boundaries Geodatabase. Available online at <http://www.vliz.be/vmcddata/marbound>.

³ Of course, I am selecting on the dependent variable in the sense that I am looking only at hijacking incidents.

⁴ Governance indicators produced by the World Bank can be found at http://info.worldbank.org/governance/wgi/sc_country.asp.

⁵ Since the availability of economic infrastructure plays such a large role in my argument, I tried swapping out the World Bank governance indicators (WBGI) variable and the failed state dummy variable and inserting the natural log of per capita gross domestic product (lngdppc), one of the few economic indicators which is equally available for failed and non-failed states. WBGI is highly correlated with lngdppc ($r = 0.70$) and low economic output might be a better indicator for the lack of economic infrastructure than general state failure variables. However, lngdppc was not statistically significant in either of the main models. This suggests that WBGI may be a better indicator of the characteristics of state failure that are relevant to variation in hijacking type than simple per capita economic output.

⁶ A tabulation of adjacency to failed states (WBGI < 20) and region shows that all 40 attacks in East Africa took place in or near countries next to failed states, while 87 out of 92 attacks in Southeast Asia took place in or near countries next to non-failed states.

⁷ The Political Instability Task Force's data can be found at <http://globalpolicy.gmu.edu/pitf/>.

⁸ Although most of the regions are self-explanatory, in the IMO's definitions, the South China Sea includes Indonesian and Philippine waters, as well as the South China Sea itself, and South America includes South American waters in the Atlantic, the Pacific, and the Caribbean Sea.

⁹ Thanks to one of the reviewers for this point.